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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

## I. BRIEFING SCHEDULE

On March 26, 2010, and at the parties' request, the Court set a briefing schedule for a possible defense motion to dismiss as follows: Horvath will file any Motion to Dismiss by **April 14, 2010**; the Government's opposition is due **April 28, 2010**; Horvath's **reply is due by May 5, 2010**; and the hearing on the motion to dismiss is set for **May 26, 2010** at 2 p.m. before Judge Wilken. This Court set a status hearing in magistrate court on **May 24, 2010** at 10 a.m.

## II. SPEEDY TRIAL ACT

With the agreement of the parties in open court on March 26, 2010, the Court excluded time under the Speedy Trial Act from March 26, 2010, to May 24, 2010, to enable the defense to

1 review additional discovery that the government recently provided, consistent with other case  
2 responsibilities and previously-scheduled case commitments, and to evaluate whether there is a  
3 viable motion to dismiss. More specifically, the Court found that an exclusion of time until  
4 April 14, 2010, was appropriate for effective preparation of defense counsel in the evaluation  
5 and preparation of motions. If a motion is filed by April 14, that will be a separate ground for  
6 excluding time, but in any event, the Court also found that a further exclusion of time through  
7 May 24 – given defense counsel's other commitments – was appropriate for review of discovery  
8 and conducting defense investigation. The Court found that (A) failure to grant the requested  
9 continuance would unreasonably deny the defendant continuity of counsel and would  
10 unreasonably deny defense counsel the reasonable time necessary for effective preparation,  
11 taking into account the exercise of due diligence, and (B) the ends of justice served by excluding  
12 time outweigh the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C.  
13 §§ 3161(h)(7)(A) and (B)(iv).

14 IT IS SO ORDERED.

15 DATED: March 29, 2010

  
16 LAUREL BEELER  
United States Magistrate Judge

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